IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 23549 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PATEL SHAILESH KANTILAL - Petitioner(s)
Versus
THE STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :
MR NIKHIL D JOSHI for Petitioner(s) : 1,
MRS FALGUNI PATEL A.G.P. for Respondent(s) : 1,
None for Respondent(s) : 2 - 4.

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 24/09/2007

ORAL JUDGMENT

1. **RULE**. Mrs. Falguni Patel learned A.G.P., waives service of rule on behalf of the respondents. At the request of the learned advocates for the parties, the

matter is taken up for the final hearing today itself.

2. The petitioner has approached this Court to obtain appropriate direction on respondent no. 2 to rectify the birth certificate of the petitioner. It is the say of the petitioner that he was born on 7th July, 1966. However, in his birth certificate, through inadvertence of the registering authority, the date is mentioned as 7th October, 1966. He learnt about this mistake in the month of August, 2007. The father of the petitioner therefore, applied for the correction, but the authority refused to do it by intimating him verbally that he had no power to effect the change in the birth certificate after a lapse of period over 15 years. Mr. Joshi has, therefore, submitted that refusal by respondent no. 2 is not legal and it is under misconception of law. In support of his submission, he has cited the decision of this Court dated 24th July, 2007, rendered in the case of Patel Manubhai @ Ashokkumar Kantilal v. The State of Gujarat & Ors., in Special Civil Application No. 18308/2007. I have perused the same. It squarely covers the issue under consideration in favour of the petitioner. Hence, the following directions.

3. In view of the above, the respondents are directed that they shall consider the application of the

petitioner for change in the birth date and upon arriving at satisfaction as to the change in the birth date shall decide the application accordingly and intimate to the petitioner the decision within seven days thereafter.

5. With the aforesaid directions, the petition is allowed. Rule is made absolute.

[Akshay H. Mehta, J.]

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